

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Charlotte D. Lindsey,

Plaintiff,

v.

Case No. 12-13939

Commissioner of Social Security,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER ADOPTING
NOVEMBER 22, 2013 REPORT AND RECOMMENDATION RE: ATTORNEY FEES

After Plaintiff filed this Social Security Disability case, the parties filed a stipulation, petitioning the Court to “enter judgment reversing the Commissioner’s decision with remand to the agency for further development and a new decision pursuant to the fourth sentence of 42 U.S.C. § 405(g).” (Docket Entry No. 18). This Court issued a Judgment on April 9, 2013. (Docket Entry No. 19). Thereafter, Plaintiff filed a Petition for Attorney Fees Under the Equal Access to Justice Act (“EAJA”). This Court referred the motion to Magistrate Judge Steven Whalen for issuance of a report and recommendation.

On November 22, 2013, Magistrate Judge Whalen issued a Report and Recommendation (“R&R”) (Docket Entry No. 24), wherein he recommends that the Court grant the motion in part, “reducing the amount claimed to \$5,557.65 in attorney fees and costs.” (*Id.* at 1). He also recommends that the Court order that “no later than 14 days from the date of a final order, the Commissioner determine whether the Plaintiff owes the Government a pre-existing debt. If no such debt is owed, then payment of the EAJA fees should be made directly to Plaintiff’s attorney. If the Plaintiff does owe a pre-existing debt, the EAJA fees should be offset by the

amount of the debt, with any remainder to be paid to Plaintiff's attorney." (*Id.* at 6-7).

Neither party has filed objections to the November 22, 2013 R&R and the time for doing so has passed.

Accordingly, IT IS ORDERED that the Court hereby ADOPTS the November 22, 2013, and GRANTS Plaintiff's Petition for Attorneys Fees IN PART, awarding \$5,557.65 in attorney fees and costs. IT IS FURTHER ORDERED that no later than 14 days from the date of this order, the Commissioner determine whether the Plaintiff owes the Government a pre-existing debt. If no such debt is owed, then payment of the EAJA fees should be made directly to Plaintiff's attorney. If the Plaintiff does owe a pre-existing debt, the EAJA fees should be offset by the amount of the debt, with any remainder to be paid to Plaintiff's attorney.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 29, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 29, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager